CLASSIFICATION OFFICE DECISION

Title of publication:	606208.jpg
Other known title(s):	Not stated
OFLC ref:	1000718.000
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	New Zealand
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	17 June 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file printout is a photograph of a topless teenager lying on a bed. The subject is anonymous. Upon the evidence of the image alone a reasonable person would consider that the subject is an adult woman. However, the Classification Office has been made aware that the subject is a young person through a Police submission, which was accompanied by the subject's birth certificate.

Due to the young age of the subject, the image is capable of a mild sexual reading, which by extension involves a degree of exploitation considering the subject's age. However, given that the average viewer would not necessarily read the image as being of a young person, the publication cannot fairly be said to exploit the nudity of a young person. Therefore the Classification Office does not consider that the publication's unrestricted availability is likely to be injurious to the public good.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 (NZBR Act) on the application of the classification criteria. The classification of this publication does not interfere with the freedom of expression as outlined in s14 of the NZBR Act.